

Amendment and Response
AN 10/054,631
Page 8

REMARKS

The Amendment and Response is submitted in reply to the Office Action mailed January 25, 2005. Claims 1-36 were rejected. Claim 6 has been cancelled. Claims 30 and 31 were objected to. Claims 1, 7-10, 13, 28, 32, 33 have been amended. Applicant respectfully requests reconsideration of this application.

Claims 1-6, 10, 12, 15-24, and 28-34 stand rejected under 35 U.S.C. §102(b) as anticipated by U.S. Patent No. 6,277,141 to Lake. Claims 1 and 28 have been amended to recite a therapeutic apparatus (or method of using a therapeutic apparatus) including a first actuator adapted to move the first body supporting portion relative to the second body supporting portion along the longitudinal axis. The actuator provides at least a portion of the longitudinal traction force. Claims 7-10 have been amended so they now depend from claim 1. Claim 6 has been cancelled.

The Applicant respectfully submits that Lake does not disclose a therapeutic apparatus having a first actuator adapted to move the first body supporting portion relative to the second body supporting portion along the longitudinal axis. The hydraulic caliper brakes 67, 68 disclosed in Lake (i) prevent movement when activated and (ii) permit movement when deactivated, but can not displace or move portions of the table, as recited in claims 1 and 28. Therefore, the claim 1 and 28, and all claims depending therefrom are not anticipated by Lake.

Claim 12 depends from claim 1 and recites that the therapeutic apparatus further including a second actuator adapted to displace a portion of the therapeutic apparatus and a single power source connected to the first and second actuators. As discussed with respect to claim 1, the brakes 67, 68 disclosed in Lake do not anticipate the claimed actuators that move portions of the therapeutic apparatus. The brakes 67, 68 of Lake are not each adapted to displace a portion of the orthopedic apparatus as claimed, but rather, only to lock table 16 into place (col. 5, ll. 32-39). The Applicant submits that claim 12 is not anticipated by Lake and is in condition for allowance.

Amendment and Response
AN 10/054,631
Page 9

Claims 7-9 were rejected under 35 U.S.C. §103(a) as unpatentable in view of Lake. In light of the allowability of claim 1, as discussed above, Applicant respectfully submits that claims 7-9 distinguish over the cited references and are in condition for allowance.

Claims 11, 13, 25-27, and 35-36 stand rejected as unpatentable over Lake in view of U.S. Patent No. 5,320,641 to Riddle et al.

The Applicant respectfully submits that the Riddle reference does not disclose an actuator adapted to move the first body supporting portion relative to the second body supporting portion along the longitudinal axis as recited in claims 1 and 28. Rather, the actuators 58, 58A of Riddle elevate and depress the torso support member 40 and lower body support portion 42 relative to a horizontal elevation (col. 4, ll. 22-24 and 45-47). As neither the Lake reference nor the Riddle et al. reference disclose an actuator adapted to move a first body supporting portion relative to the second body supporting portion along a longitudinal axis, the Applicant respectfully submits that no prima facie case of obviousness is set forth for claims 11, 13, 25-27 and 35-36. Moreover, in light of the allowability of claims 1 and 28, as discussed above, Applicant respectfully submits that claims 11, 13, 25-27 and 35-36 distinguish over the cited references and are in condition for allowance.

Claim 14 stands rejected over Lake in view of U.S. Patent No. 5,181,904 to Cook. In light of the allowability of claim 1, as discussed above, Applicant respectfully submits that claim 14 distinguishes over the cited references and is in condition for allowance.

Claims 32 and 33 have been amended to correct minor informalities.

Claims 30 and 31 merely recite a specific order for performing the last two steps of claim 28 are performed. Claim 28 is not limited to any particular order. Claims 30 and 31 were part of the application as filed, and hence, form part of the original disclosure. No correction is believe necessary.

Applicant submits that the pending claims are now in condition for allowance. A notice to that effect is respectfully requested.

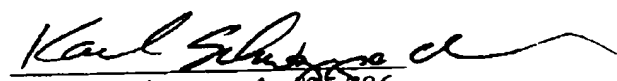
Amendment and Response
AN 10/054,631
Page 10

No fee is thought to be necessary. However, if any fee is required for entry of this paper, the Commissioner is authorized to charge our Deposit Account 06-0029 and is requested to notify us of the same.

Respectfully Submitted,

HAROLD DUANE SAUNDERS

By:


Karl G. Schwappach, #25,786
FAEGRE & BENSON LLP
2200 Wells Fargo Center
90 South Seventh Street
Minneapolis, MN 55402-3901
612/766-7773

Dated: April 20, 2005

Serial No.: 10/054,631

M2:20707377.04